
STATUTORY INSTRUMENTS

1990 No. 2554

SEA FISHERIES

CONSERVATION OF SEA FISH

The Sole (Western English Channel)
(Prohibition of Fishing) Order 1990

<i>Made</i>	- - - -	<i>13th December 1990</i>
<i>Laid before Parliament</i>		<i>14th December 1990</i>
<i>Coming into force</i>	- -	<i>15th December 1990</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 5(1), 15(3) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Sole (Western English Channel) (Prohibition of Fishing) Order 1990 and shall come into force on 15th December 1990.

(2) In this Order—

“British fishing boat” means a fishing boat which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands or which, not being so registered, is British-owned;

“sea area” means the statistical division of the International Council for the Exploration of the Sea(2) described in the Schedule hereto.

Prohibition

2. Fishing for sole (*Solea vulgaris*)—

(1) 1967 c. 84; section 5(1) was substituted by section 22(1) of the Fisheries Act 1981 (c. 29) and, by virtue of S.I. 1973/238, section 5 applies in relation to British fishing boats registered in the Isle of Man as it applies in relation to British fishing boats registered in the United Kingdom; section 15(3) was substituted by paragraph 38(3) of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 5 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(2) Cmnd. 2586.

- (a) within any part of the sea area by any British fishing boat registered in the United Kingdom or the Isle of Man; or
- (b) within any part of the sea area which lies inside British fishery limits by any other British fishing boat,

is prohibited during the period beginning with the date of coming into force of this Order and ending immediately before 1st January 1991.

Powers of British sea-fishery officers in relation to fishing boats

3.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise anywhere in relation to any British fishing boat the powers conferred by paragraphs (2) to (4) below.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above and, in particular—

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) of the Sea Fish (Conservation) Act 1967⁽³⁾ as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits, he may—

- (a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

(3) Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that subsection.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th December 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

12th December 1990

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

11th December 1990

David Hunt
Secretary of State for Wales

13th December 1990

J. Hanley
Parliamentary Under Secretary of State Northern
Ireland Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 1(2)

SEA AREA IN RESPECT OF WHICH PROHIBITION OF FISHING FOR SOLE APPLIES

ICES Statistical Division VIIe (Western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00' west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00' north latitude; thence due west to 7°00' west longitude; thence due south to 49°30' north latitude; thence due east to 5°00' west longitude; then due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cape de la Hague; thence in a northerly direction to the point of beginning.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for sole (*Solea vulgaris*) during the period beginning with the date of coming into force of the Order and ending immediately before 1st January 1991—

- (a) by any British fishing boat registered in the United Kingdom or the Isle of Man within any part of the sea area described in the Schedule to the Order, or
- (b) by any British fishing boat registered in any of the Channel Islands or by any British-owned fishing boat within any part of that sea area which lies inside British fishery limits (article 2).

By virtue of section 5(6) of the Sea Fish (Conservation) Act 1967 (as amended by section 22(2) of the Fisheries Act 1981), where, in the course of any fishing operations conducted in the above-mentioned sea area, sole are taken on board a boat to which this Order applies, those fish shall (subject to section 9 of that Act) be returned to the sea forthwith.

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 3).